

REMARKS

This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance are respectfully requested in view of the following.

Claim 1 has been amended to more clearly distinguish Applicant's invention over the cited art. Claims 5, 7, 12 and 13 have been amended to correct minor informalities therein. Claim 8 has been rewritten in independent form incorporating all of the limitations of the base and any intervening claims. Claims 14-23, all of which were drawn to an unelected invention, have been canceled without prejudice or disclaimer. Finally, new Claims 24-35, all of which are directed to still further patentably distinguishable embodiments of the invention, have been added.

The Applicant kindly thanks the Examiner for allowing Claims 12-13 and for courteously indicating that Claims 8-10 are objected to as being dependent upon a rejected base claims but would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims. By this Amendment, the Applicant has rewritten Claim 8 as an independent claim which includes all of the limitations of the base claim and all intervening claims. It is submitted, therefore, that Claims 8-10 are now in condition for allowance. Accordingly, the Applicant respectfully requests the reconsideration and withdrawal of the objection to Claims 8-10 and the allowance of these claims. As to allowed Claims 12-13, it is noted that the terms "declined position" and "inclined position" have been deleted in favor of the terms--declined plane-- and --inclined plane--, respectively. Ordinarily, the Applicant would be hesitant to amend the language of any claim allowed by the Examiner. Here, however, it is believed that the language originally chosen may have been somewhat ambiguous and that the replacement language provides a clearer description of Applicant's invention.

Claims 1-7 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,902,220 to Lin. In response, the Applicant respectfully traverses the Examiner's rejection and instead submits that Claims 1-7 and 11, as above amended, as well as newly added Claims 24-35 are patentably distinguishable over the art of record. Accordingly, the Applicant respectfully requests the reconsideration and withdrawal of the rejection of Claims 1-7 and 11 and the allowance of Claims 1-7, 11 and 24-35, as above amended.

As presented herein, Claim 1 is directed to a support structure for selectively elevating a first portion of an exercise machine above a surface which is neither taught nor suggested by the cited art. The support structure includes a base member and a first platform configured for supporting a first selected portion of the exercise machine. The first platform is coupled to the base member and movable between first and second positions. When a selected portion of the exercise machine is supported by the first platform and the first platform is in the first position, the first platform is generally level with the base member and the rail member is generally parallel to the surface. Conversely, when the selected portion of the exercise machine is supported by the first platform and the first platform is in the second position, the first platform is elevated relative to the base member and a rail member of the exercise machine is in either an inclined plane or a declined plane relative to the surface.

The cited art has been carefully considered but neither teaches nor suggests Applicant's invention as set forth above. In this regard, it is noted that the Examiner cited Lin as disclosing "a support structure comprising a base member (6) a first platform (1) for supporting a first selected portion of a device used for exercise (user supporting portion in figures) wherein the platform is coupled to the base and movable between a first position in which the first platform is

approximately level with the base member to a second position wherein first platform is elevated (see figs.6, 5).” Notwithstanding the foregoing, as amended herein, Claim 1 now further recites that, in the first position, a rail member of the exercise machine is generally parallel to the surface while, in the second position, the rail member is in either an inclined or decline plane relative to the surface. While Lin does teach certain relationships between the platform of the support frame and the base member of the support frame, it is submitted that the claimed relationships between selected components of the exercise machine itself and the surface are neither taught nor suggested by Lin. As Claim 1 has been amended to include certain limitations neither taught nor suggested by Lin, the Applicant respectfully submits that Claim 1, as above amended, is patentably distinguishable over Lin.

Claims 2-7 all depend on amended Claim 1. It is submitted, therefore, that Claims 2-7 are patentably distinguishable over Lin for the same reasons that distinguish Claim 1 over Lin. New Claims 24-27 add additional limitations neither taught nor suggested by the cited art. More specifically, Claims 24-25 respectively recite the relationship between which portion of the exercise machine is elevated by the first platform and whether the rail member of the exercise machine is in an inclined plane or a declined plane while Claims 26-27 are directed to embodiments of the invention which further include platform locking mechanisms which secure the first and/or second platforms to the base member. Of these, Claim 27 is directed to a particularly novel embodiment of the invention in which each of two platform locking mechanisms cannot be engaged when the other is engaged.

New Claims 28-30 and 33-35 include those limitations believed to patentably distinguish Claim 9 over the cited art. It is submitted, therefore, that Claims 28-30 and 33-35 are allowable

over the prior art for the reasons previously set forth with respect to Claim 9. New Claim 34 further recites an additional limitation, specifically, the requirement that the second platform must be in the level position whenever the first platform is in the elevated position and that the second platform must be in the elevated position whenever the first platform is in the level position, neither taught nor suggested by the cited art. Accordingly, Claim 34 may be distinguished from the prior art on this basis as well. Finally, new Claims 31 and 32 depend on allowed Claims 12 and 13, respectively, and are allowable over the prior art for the reasons previously set forth with respect to Claims 12 and 13.

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the objection to Claims 8-10 and the rejection of Claims 1-7 and 11, the allowance of Claims 1-11 and 24-35 and the passing of this application to issue.

Respectfully submitted,

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